IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

Crl.Rev.Pet.No. 251 of 2006()

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CRA.517/2002 of ADDL.SESSIONS COURT-II, KOZHIKODE
CC.232/2000 of JUDL.MAGISTRATE OF FIRST CLASS, NADAPURAM

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REVN. PETITIONER: APPELLANT/ACCUSED.

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APPACHAN @ DANIYEL, S/O.OUSEPH,
CHAKKAL HOUSE, KULATHVAYAL P.O.
AMBALAVAYAL, WAYANAD DISTRICT.

BY ADV. SRI.SAJU.S.A

RESPONDENTS: COMPLAINANT AND STATE.

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1. ANI @ LEELAMMA, D/O.GEORGE,
EAZHIKKALIL HOUSE, POOTHAMPARA VALAYAVALAVU,
THOTTILPPALAM P.O.LIMIT, VADAKARA.

2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI.A.RANJITH NARAYANAN
SRI.S.K.SAJU
PUBLIC PROSECUTOR SMT. LATHA PRABHAKARAN

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 01/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**V. RAMKUMAR, J.**

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**Crl.R.P.NO. 251 of 2006**

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**Dated: 01-11-2007**

**ORDER**

The revision petitioner who is the husband of the first respondent challenges the conviction and sentence concurrently recorded against him for an offence punishable under Section 498 A I.P.C. Pending this revision, parties have squared up the matter. The learned counsel appearing for the first respondent also submitted that the matter has been settled between the parties and the revision petitioner and the first respondent are residing together. The revision petitioner has also filed Crl.M.A. 11395 of 2007 under Sec. 482 Cr.P.C. seeking to quash the proceedings before the courts below . In the light of the decision of the Apex Court in ***B.S. Joshi v. State of Haryana - 2004 (6) SCC 675*** this is clearly a fit case where the conviction and sentence can be quashed so as to enable the parties to continue their marital relationship. Accordingly, the revision as well as the Crl.M.A. are allowed. The judgments in Crl.A.517 of 2002 on the file of the Sessions Court, Kozhikode and the judgment in C.C. 232 of 2002 on the file of the J.F.C.M., Nadapuram are set aside and the proceedings initiated before the J.F.C.M. shall stand quashed.

This revision is allowed as above.

**V. RAMKUMAR,**

**(JUDGE)**

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